

### **STATUS OF THE CLAIMS**

Claims 1-23 were originally filed in this patent application. In response to the office action dated 01/10/2006, an amendment was filed on 04/10/2006 that cancelled claims 7, 10 and 17-21, amended claims 1, 6, 9 and 22 and added claims 24 and 25. In the pending office action, claims 1-6, 8-9, 12-13, 22 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 1,318,858 to Frick in view of U.S. Patent No. 3,769,911 to Folkins. Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Frick in view of Folkins and further in view of U.S. Patent No. 6,174,252 to Mizek. Claims 14-16 and 24 were allowed. Claim 23 was objected to as being dependent upon a rejected base claim, but would be allowable if properly rewritten in independent form. In this amendment, claims 1, 22 and 25 have been amended. Claims 1-6, 8-9, 11-16, and 22-25 are currently pending.

## **REMARKS**

### **Rejection of claims 1-6, 8-9, 12-13, 22 and 25 under 35 U.S.C. §103(a)**

The examiner rejected claims 1-6, 8-9, 12-13, 22 and 25 under 35 U.S.C. §103(a) as being unpatentable over Frick in view of Folkins. Each of these claims is addressed below.

#### **Claim 1**

Claim 1 is amended herein to recite an annular ring portion of the nose piece that is outside of the axial cylindrical hole and is larger in diameter than the axial cylindrical hole. Folkins teaches a shear joint member that is completely contained within the hole, and is thus not outside of the hole as recited in claim 1. Applicant respectfully asserts claim 1 as amended is allowable over the combination of Frick and Folkins.

#### **Claims 2-6 and 8**

Claims 2-6 and 8 depend on claim 1, which is allowable for the reasons given above. As a result, claims 2-6 and 8 are allowable as depending on an allowable independent claim.

#### **Claim 9**

In the rejection of claim 9, the examiner failed to address the limitations added in the last amendment of a cylindrical groove with the many limitations recited in lines 17-21 of claim 9. Because the examiner did not address these limitations in the rejection, the examiner has failed to establish a prima facie case of obviousness for claim 9 under 35 U.S.C. §103(a). Applicant respectfully asserts that neither Frick nor Folkins teach or

suggest the cylindrical groove as recited in claim 9 with the tab portions of the first and second deployable knife members extending into the cylindrical groove. For this reason, claim 9 is allowable over the combination of Frick and Folkins, and applicant respectfully requests reconsideration of the examiner's rejection of claim 9 under 35 U.S.C. §103(a).

#### Claims 12-13

Claims 12-13 depend on claim 9, which is allowable for the reasons given above. As a result, claims 12-13 are allowable as depending on an allowable independent claim.

#### Claim 22

Claim 22 has been amended to add the same limitation in claim 1, that the annular ring portion is outside of the axial cylindrical hole. The shear joint member in Folkins is completely inside the hole, and therefore does not read on the annular ring portion that is outside of the axial cylindrical hole, as recited in claim 22. For this reason, claim 22 is allowable over the combination of Frick and Folkins.

#### Claim 25

The examiner included claim 25 in the list of claims that were rejected under 35 U.S.C. §103(a), but did not provide a detailed rejection of claim 25 that mapped the cited art onto the limitations in claim 25. For this reason, the examiner has failed to establish a prima facie case of obviousness for claim 25 under 35 U.S.C. §103(a). Claim 25 has been amended to include the limitations added to claims 1 and 22, discussed above. Claim 25 is therefore allowable for the same reasons given above for the allowability of claims 1 and 22.

#### Rejection of claim 11 under 35 U.S.C. §103(a)

Claim 11 was rejected under 35 U.S.C. §103(a) as being obvious in view of Frick, Folkins and Mizek. In referencing Mizek, the examiner refers to ball/detent assembly of Mizek, and states that it would be obvious based on the teachings of Mizek to provide the limitations in claim 11. The ball/detent assembly in Mizek is completely contained within the body of the Mizek arrowhead, and does not involve the thickness of the slot from which the knife members deploy. Based on the teachings of Mizek, it might have been obvious to put a ball/detent assembly inside the body, and it might be obvious to place the ball on the blade and the slot on the other member inside the slot, but it would not have been obvious to provide raised members that make the deployable knife members greater than the thickness of the slots. For this reason, claim 11 is allowable over the combination of Frick, Folkins and Mizek. In addition, claim 11 depends on claim 9, which is allowable for the reasons given above. As a result, claim 11 is also allowable as depending on an allowable independent claim. Applicant respectfully requests reconsideration of the examiner's rejection of claim 11 under 35 U.S.C. §103(a).

#### Allowance of claims 14-16 and 24

The examiner allowed claims 14-16 and 24. Applicant thanks the examiner for the allowance of these claims.

#### Objection to claim 23

The examiner objected to claim 23 as being dependent upon a rejected base claim, but stated this claim would be allowable if properly rewritten in independent form. Claim 23 depends on claim 22, which is allowable for the reasons given above. As a result, claim 23 is allowable as depending on an allowable independent claim.

### Conclusion

In summary, none of Frick, Folkins, Mizek, nor their combinations teach, support, or suggest the unique combination of features in applicant's claims presently on file. Therefore, applicant respectfully asserts that all of applicant's claims are allowable. Such allowance at an early date is respectfully requested. The Examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

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